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C O N F I D E N T I A L KATHMANDU 002557

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TAGS: [PHUM](#) [PGOV](#) [MARR](#) [NP](#)
SUBJECT: NEWLY APPOINTED ARMY CHIEF STILL FACING HUMAN
RIGHTS ACCUSATIONS

REF: KATHMANDU 2433

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

11. (C) PM Koirala swore in Rookmangud Katawal as the new Chief of Army Staff on September 18. Katawal, who has repeatedly affirmed his intention to loyally serve the democratic Government of Nepal (GON) received cabinet approval on September 5. The government's decision came in the face of complaints by human rights activists and some politicians that his human rights record made him unfit for the position. Their criticism focused on Katawal's tenure as commander of the mid-western division headquarters from December 2003 to September 2004 and his actions during the people's movement in April 2006. According to the Defense Secretary, there is no plan by the GON to issue a formal

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response to the human rights accusations against Katawal. Whether the High-Level Probe Commission will issue any findings on the General's activities remains to be seen.

Katawal Takes Over As Army Chief

12. (C) On September 18, Prime Minister GP Koirala swore in Gen. Rookmangud Katawal as the new Chief of Army Staff (COAS), the senior position in Nepal's armed forces. This followed a ceremony on September 10 at which the Prime Minister pinned on Katawal's fourth star. Gen. Katawal, who was previously the second-ranking member of Nepal Army (NA), received cabinet approval to become the COAS on September 5 (reftel). Although there had been some speculation that another senior general might get the nod, the tradition in the NA has been for the deputy to assume the top job. Seniority matters. What was unusual about the appointment process was that, for the first time in Nepal's history, it was the Prime Minister who swore Katawal in, not the King. Even after the introduction of multi-party democracy in 1990, the King, whose Shah dynasty has long been closely tied to the NA, retained control of the armed forces. It was not until after the second people's movement in April 2006 that the King was stripped of his role as commander-in-chief.

Katawal Proclaims His Democratic Bona Fides

¶3. (C) Since the people's movement in April, Katawal, like outgoing COAS Gen. Thapa, has been consistent in publicly affirming his loyalty to Nepal's democratic leadership. He reaffirmed the same to emboff in a conversation on September ¶19. He has appeared on several occasions before the State Affairs Committee, the parliamentary committee tasked with oversight of the Defense Ministry. The chairman of that committee told emboff recently that he had been completely satisfied with Katawal's cooperation. Katawal reports to Prime Minister Koirala on two accounts. The PM is the commander-in-chief and he is also -- as is customary in Nepal -- the Defense Minister. The Defense Ministry (MOD) is in the process, with U.S. and U.K. assistance, of building its capacity to manage and give direction to the NA. That responsibility previously fell to the Palace; the Defense Ministry was little more than a shell and remains so still. According to our MOD sources, Katawal and the soldiers under his command are making every effort to subordinate themselves to the MOD's civilian control.

Not All Views Are Rosy

¶4. (C) Although the volume of criticism of Katawal seems to have died down in recent days, a number of human rights activists and several Members of Parliament -- mostly on the far left -- began raising their voices as soon as Katawal's appointment became known. On September 4, a group of 16 leaders of various human rights organizations sent a letter to UN Secretary General Annan denouncing the appointment of Gen. Katawal as the new COAS. The letter alleged that Katawal had been involved in "documented gross human right violations." The letter claimed that Katawal had been

involved in torture, extra-judicial executions, and forced disappearances. The Informal Sector Service Center (INSEC), a leading Nepali human rights NGO, subsequently shared detailed information with the Embassy about Katawal's alleged human rights abuses or those that may have occurred under his command. Only one involved allegations against Katawal personally. The rest were on a chain-of-command basis. The INSEC paper has been emailed to SCA/INS.

Allegations of Human Rights Abuses

¶5. (C) According to INSEC, Katawal allegedly threatened in April 2004 to kill a journalist who had reported on a deadly aerial attack on a school in the mid-Western region in which 7 people died and 30 people were injured. (Note: Throughout the insurgency, the Maoists frequently used schools as a base of operations. In this case, the Maoists were conducting a "cultural program." End Note) INSEC also listed 64 individual gross violations of human rights that Nepali security forces committed in the mid-Western region from December 29, 2003 to September 10, 2004 while Katawal was the regional divisional commander. The Nepal Armed Police Force and the Nepal Police were operating at that time under a unified command which the NA headed. Katawal is also facing unspecified charges of violating human rights for his role in April 2006 in attempting to suppress the people's movement. He testified to the High-Level Probe Commission about these charges in early August. The Commission has yet, however, to make any of its findings public.

No GON Rebuttal Planned

¶6. (C) Nepal Army sources have told post that the NA has no intention of responding to the human rights allegations against Katawal. It would, in their view, be inappropriate. That task, Army sources believe, is one for the civilian leadership. Defense Secretary Upreti, the senior civil servant in the Ministry of Defense, who reports directly to PM and Defense Minister Koirala, told emboff September 18

that he is unaware of any intention by his Ministry or the PM to address these allegations against the COAS.

Comment: Assessing the Allegations

17. (C) Even if it is true that Katawal threatened to kill a journalist in April 2004, U.S. interests would not be best served by breaking off contact with the new Chief of Army Staff on that basis alone. Similarly, the unspecified charges against Katawal for his role in April 2006 do not yet appear to substantiate such drastic USG action in the absence of a Commission report. In our view, the most troubling accusations concern human rights abuses that occurred while Katawal was division commander in mid-Western Nepal during the first nine months of 2004. However, Embassy sources indicate he exercised maximum restraint in conducting operations, mindful of minimizing collateral damage.

Next Steps

18. (C) Going forward, we will continue to urge the Government of Nepal (GON) to address these allegations head on. In our view, it would ultimately strengthen the Nepal Army, including its public standing, to air and answer the charges against the country's senior soldier. Post will also carry on our ongoing dialogue with the GON more broadly on the central importance of human rights compliance by the NA and the other security forces. Office of the High Commissioner for Human Rights (OHCHR) representatives told us on September 19 that it is generally pleased with the progress the NA has made in the past three years and that the biggest challenge remains cleaning up past mistakes. OHCHR also told emboff on September 19 that it does not plan to investigate Katawal. In spite of all its faults and failings, the GON maintains a genuine commitment to human rights which sets it apart from its Maoist opponents.

MORIARTY